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Subject: News Update: Senate Sets Hearings For EPA Nominees, Highlighting Filibuster's End (Inside EPA)

Daily News

Senate Sets Hearings For EPA Nominees, Highlighting Filibuster's End

Posted: December 12, 2013

The Senate's environment panel has scheduled confirmation hearings for two key EPA nominees, indicating that the body may move quickly to vote on President Obama's current and future environmental nominees after Democrats' elimination of the filibuster for executive branch and nearly all judicial nominees.

Environment committee Chairman Barbara Boxer (D-CA) announced that the panel will hold Dec. 17 confirmation hearings for Victoria Wassmer, the nominee to be EPA's Chief Financial Officer, and Thomas Burke, who has been nominated to head the agency's Office of Research & Development (ORD), according to a Dec. 11 statement.

Wassmer's nomination has been pending since Sept. 10, while Burke was announced as President Obama's pick to lead ORD on Nov. 7.

The panel will also consider pending appointments to the Department of the Interior (DOI) and the Department of Commerce.

The planned hearing is part of a broad push to advance nominees after the Senate voted Nov. 21 to eliminate filibusters for most executive and judicial nominations.
Among those expected to be voted on soon is Ken Kopocis, who has been waiting more than 900 days to be confirmed to lead EPA's water office.

In addition to the pending nominees at EPA, the move could allow speedier votes on still unnamed nominees to fill other slots at EPA, such as the assistant administrator in the air office and Region IV's administrator.

The elimination of the filibuster could also help speed confirmation for nominees to replace the outgoing leaders of the White House Council on Environmental Quality (CEQ), Nancy Sutley, the body's longtime chair, and Gary Guzy, its deputy director and general counsel, who have separately announced their resignations.

"I think it could very well be that [Guzy's resignation] is a way to give CEQ a 'clean break.' The chair and the general counsel are often very close in temperament, and it's not surprising that the general counsel would leave at the same time as Sutley did," says one former senior CEQ official.

The source continues that while no nominee has been named for either job, Tim Profeta, director of Duke University's Nicholas Institute for Environmental Policy Solutions, and Robert Dreher, acting assistant attorney general for environment and natural resources, are rumored to be top candidates.

Other rumored candidates include former DOI deputy David Hayes, former Washington Gov. Christine Gregoire (D) and former Massachusetts energy and environment secretary Ian Bowles.

Pending Nominees
If the new CEQ heads are quickly confirmed, the former official says, "they will have an opportunity to use the three years left in the administration to address a broad range of issues, from ecosystem issues to climate change and the energy issues at the core of that."

CEQ is currently crafting an array of policies on the effects of climate change, as well as a long-awaited revision to the executive branch's principles and guidelines for new infrastructure development.

But in a possible sign that even the new confirmation process may not be fast enough for the administration, the White House this week confirmed that John Podesta, President Clinton's chief of staff and a strong advocate for climate policies, will return to the Obama White House for a limited one-year period to work on climate change and other issues.

Initially, the EPA nominations were expected to spark demands for policy concessions by the panel's Republican members -- for instance, Burke's confirmation was expected to require concessions to the GOP on the agency's chemical, air quality and other risk assessment programs.

That would follow a pattern where GOP senators have used procedural "holds," which would block a floor vote until removed or broken by a 60-vote majority, to extract policy concessions from the administration in return for allowing nominations to proceed.

But after the Senate's rule change, a hold can now be overridden with a simple 51-vote majority, according to an environment committee staffer, which would allow the chamber's Democrats to bring any nomination to the floor without concessions, regardless of GOP opposition.

Since changing the filibuster rule, the Senate has pressed forward with a series of delayed nominations, starting with three appointees to the U.S. Court of Appeals for the District of Columbia Circuit who had previously been unable to overcome GOP filibusters -- the action that prompted the rule change.

The first of those, Patricia Ann Millett, was confirmed Dec. 10. -- *David LaRoss* (dlaross@iwpnews.com)

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